

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL MCGARY,

Plaintiff,

v.

RONALD CULPEPPER, *et al.*,

Defendants.

Case No. C05-5376RBL

ORDER GRANTING SUMMARY
JUDGMENT AND DISMISSING
COMPLAINT

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' Motion to Dismiss [Dkt. 31], Motion for Judgment on the Pleadings [Dkt. 57], and Motion for Summary Judgment [Dkt. 63] are **GRANTED**;
- (3) Plaintiff's complaint and causes of action are **DISMISSED**; and plaintiff's pending motions, if any, are denied as being moot;
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold

DATED this 18th day of August, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE